

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

No.	CV 23-00172-MWF (ASx)	Date	July 10, 2024
Title	<i>Sebastian B. Kirchfeld v. Department of Defense</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
Alma Felix	Not reported
Deputy Clerk	Court Reporter / Recorder
Attorney Present for Plaintiff:	Attorney Present for Defendant:
Not present	Not present

**Proceedings (In Chambers):**

**SECOND ORDER TO SHOW CAUSE RE LACK OF PROSECUTION**

On January 17, 2024, the Court issued an Order directing Petitioner Sebastian B. Kirchfeld to serve a copy of his “Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act 1978” on Respondent Department of Defense. (Dkt. No. 4). Petitioner was directed to file a proof of service within fourteen days of the Court’s Order, and warned that “failure to comply with this Order may result in a dismissal of Plaintiff’s action.” (*Id.* at 2). When Petitioner failed to comply with the Court’s Order by filing the required proof of service, the Court issued an Order to Show Cause (“OSC”) on February 7, 2024, directing Petitioner to show cause why this action should not be dismissed for failure to prosecute. (Dkt. No. 5). Petitioner attempted to discharge the OSC by filing a proof of service on February 14, 2024. (Dkt. No. 6). However, Petitioner’s filing did not include a certificate of receipt completed by Respondent and therefore, service has not been completed.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE, in writing, no later than July 24, 2024**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of either a response to this Order or upon the filing of a proof of service that properly serves the Department of Defense.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). A notice of dismissal form is attached for Plaintiff’s convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

**IT IS SO ORDERED.**

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cc: Michael W. Fitzgerald  
United States District Judge

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Initials of Preparer	AF		